

Marcus B. Smith, Esq. (Bar No. 14790)
Marcus Smith Law, LLC
201 West Tabernacle Street
St. George, Utah 84770
Email: marcus.bret.smith@gmail.com
Telephone: (385) 386-2950

Attorney for Plaintiff Cristine E. Chew

**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
SOUTHERN DIVISION**

CRISTINE E. CHEW, *an individual*,
Plaintiff,
v.
UTAH TECH UNIVERSITY, *a higher
education institution*,
Defendant.

**MOTION FOR ENTRY OF DEFAULT
CERTIFICATE**

Case No. 4:24-cv-00059-AMA-PK

Judge Ann Marie McIff Allen
Magistrate Judge Paul Kohler

Pursuant to Fed. R. Civ. P. 55(a) and DUCivR 55-1(a)(1) and (b), Plaintiff Christine E. Chew respectfully moves the Court for entry of a default certificate against Defendant Utah Tech University. In support of this Motion, Plaintiff states as follows:

1. Plaintiff filed an Amended Complaint on March 6, 2025. (Doc. 016).
2. On March 20, 2025, Defendant filed a Motion to Extend Time for Defendant's Response to Amended Complaint. (Doc. 017). Plaintiff stipulated to the filing of this Motion. (*Id.*).
3. On March 21, 2025, the Court entered its Order Re: Stipulated Motion to Extend Time for Defendant's Response to Amended Complaint, setting a new deadline of April 19, 2025, for Defendant's Response. (Doc. 019).

4. As of the date of this Motion, Defendant has failed to file a Response, and no further extension has been requested or granted.

As set forth in Exhibit A to this Motion, Plaintiff certifies that Defendant: is not an infant, in military service, or an incompetent person; was properly served with process in a manner authorized in Fed. R. Civ. P. 4 on March 6, 2025; and has failed to plead or otherwise defend.

In compliance with DUCivR 55-1(b)(1)(C), Plaintiff will contemporaneously submit a proposed Certificate of Default in editable format to utdecf_clerk@utd.uscourts.gov. (See Exhibit B).

WHEREFORE, Plaintiff respectfully requests that the Clerk enter a Certificate of Default against Defendant Utah Tech University.

Dated May 12, 2025



MARCUS B. SMITH
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of May, 2025, a true and correct copy of the foregoing **MOTION FOR ENTRY OF DEFAULT CERTIFICATE** was served via the Court's CM/ECF System, upon the following:

Daniel R. Widdison
Utah Attorney General's Office (160-6-140856)
Litigation Unit
160 East 300 South
Sixth Floor
Salt Lake City, Utah 84114
Email: dwiddison@agutah.gov

Attorney for Defendant

/s/ Marcus B. Smith